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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/786,328	02/26/2004	Brig Barnum Elliott	BBNT- P01-264	2656

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EXAMINER

FARAGALLA, MICHAEL A

ART UNIT	PAPER NUMBER
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2617

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/04/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/786,328	Applicant(s) ELLIOTT, BRIG BARNUM	
	Examiner Michael Faragalla	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 February 2004 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>02/26/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information disclosure statement

1. The information disclosure statement submitted on 02/26/2004, 07/15/2005, 03/16/2006, and 09/06/2006 has been considered by the Examiner and made of record in the application file.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims **1,3,4,6,8-1315-17 and 19-23** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Jakoubek (Publication number: US 2004/0052372)** in view of **Bertrand et al (Patent number: 6,078,612)**.

Consider **Claim 1**, Jakoubek clearly shows and discloses a system comprising:

- (a) A plurality of radio components (read as cryptographic channel 141 and red processor 138) (figure 1).

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(b) A switch (read as black switch), configured to connect some of the radio components to at least some other radio components (read as transceivers 110), such that a collection of connected ones of the radio components forms a complete software radio (figure 1; paragraphs 21 and 26).

However, Jakoubek does not clearly show that the switch is a packetized switch.

In related art, Bertrand et al clearly show that the switch is a packetized switch (column 5, lines 1-15).

Therefore, it would have been obvious to a person skilled in the art at the time the invention was made to incorporate the teaching of Bertrand et al into the teaching of Jakoubek in order to enable mode switching (abstract).

Consider **Claim 13**, Jakoubek clearly shows and discloses a method of connecting components of a software radio, the method comprising:

(a) Configuring a first radio component (read as cryptographic channel 141 and red processor 138) to have a correct address of a second radio component (read as transceivers 110), thus forming a first communications link between the first radio component and the second radio component via a switch therebetween (figure 1; paragraphs 21 and 26).

(b) Configuring the second radio component to have a correct address of the first software radio component, thus forming a second communications link between the second radio component and the first radio component via the switch (figure 1; paragraphs 21 and 26).

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(c) Starting operation of the software radio including the first radio component and the second radio component (paragraph 28).

However, Jakoubek does not clearly show that the switch is a packetized switch.

In related art, Bertrand et al clearly show that the switch is a packetized switch (column 5, lines 1-15).

Therefore, it would have been obvious to a person skilled in the art at the time the invention was made to incorporate the teaching of Bertrand et al into the teaching of Jakoubek in order to enable mode switching (abstract).

Consider **Claim 23**, Jakoubek clearly shows and discloses a system comprising:

(a) A plurality of means for implementing separate portions of a software radio (read as read as cryptographic channel 141 and red processor 138 which form one portion of the software radio and transceivers 110 which form a separate portion).

(b) Means for providing switched communications (read as black switch among the plurality of means for implementing separate portions of a software radio (figure 1).

(c) Wherein some of the plurality of means for implementing separate portions of a software radio are connected to at least some other of the plurality of means for implementing separate portions of a software radio via the means for providing switched communications, such that a collection of connected ones of the plurality of means for implementing separate portions of a software radio forms a complete software radio (figure 1; paragraphs 21 and 26).

However, Jakoubek does not clearly show that the switch is a packetized switch.

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In related art, Bertrand et al clearly show that the switch is a packetized switch (column 5, lines 1-15).

Therefore, it would have been obvious to a person skilled in the art at the time the invention was made to incorporate the teaching of Bertrand et al into the teaching of Jakoubek in order to enable mode switching (abstract).

Consider **Claim 3 and 15**, Jakoubek as modified by Bertrand clearly shows and discloses the system of claim 1 as well as the method of claim 13, wherein:

(a) A plurality of first ones of the radio components each include a red processor portion and a crypto portion, a plurality of second ones of radio components each include a black processor portion and a black radio portion, and at least one of the first ones of the radio components are connected to at least one of the second ones of the radio components via the switch (figure 1).

However, Jakoubek does not clearly show that the switch is a packetized switch.

In related art, Bertrand et al clearly show that the switch is a packetized switch (column 5, lines 1-15).

Therefore, it would have been obvious to a person skilled in the art at the time the invention was made to incorporate the teaching of Bertrand et al into the teaching of Jakoubek in order to enable mode switching (abstract).

Consider **Claim 4 and 17**, Jakoubek as modified by Bertrand clearly shows and discloses the system of claim 1 as well as the method of claim 13, wherein:

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A plurality of first ones of the radio components each include a crypto portion, a plurality of second ones of the radio components each include a black radio portion, and at least one of the first ones of the radio components are connected to at least one of the second ones of the radio components via the switch (figure 1).

However, Jakoubek does not clearly show that the switch is a packetized switch.

In related art, Bertrand et al clearly show that the switch is a packetized switch (column 5, lines 1-15).

Therefore, it would have been obvious to a person skilled in the art at the time the invention was made to incorporate the teaching of Bertrand et al into the teaching of Jakoubek in order to enable mode switching (abstract).

Consider **Claim 6 and 16**, Jakoubek as modified by Bertrand clearly shows and discloses the system of claim 1 as well as the method of claim 13, wherein:

A plurality of a first ones of the radio components each include a red processor portion, a plurality of second ones of the radio components each include a black processor portion, and at least one of the first ones of the radio components are connected to at least one of the second ones of the radio components via the switch (figure 1).

However, Jakoubek does not clearly show that the switch is a packetized switch.

In related art, Bertrand et al clearly show that the switch is a packetized switch (column 5, lines 1-15).

Therefore, it would have been obvious to a person skilled in the art at the time the invention was made to incorporate the teaching of Bertrand et al into the teaching of Jakoubek in order to enable mode switching (abstract).

Consider **Claim 8 and 19**, Jakoubek as modified by Bertrand clearly shows and discloses the system of claim 1 as well as the method of claim 13, further comprising at least one management station (read as switch policy controller 148) configured to communicate via the switch to at least one of the radio components, the at least one management station is further configured to monitor or control the at least one of the radio components (figure 1; paragraph 28).

However, Jakoubek does not clearly show that the switch is a packetized switch.

In related art, Bertrand et al clearly show that the switch is a packetized switch (column 5, lines 1-15).

Therefore, it would have been obvious to a person skilled in the art at the time the invention was made to incorporate the teaching of Bertrand et al into the teaching of Jakoubek in order to enable mode switching (abstract).

Consider **Claim 9 and 21**, Jakoubek as modified by Bertrand clearly shows and discloses the system of claim 8 as well as the method of claim 19, wherein the at least one management station is located remotely from the at least some of the radio components connected to the switch (figure 1; paragraph 28).

However, Jakoubek does not clearly show that the switch is a packetized switch.

In related art, Bertrand et al clearly show that the switch is a packetized switch (column 5, lines 1-15).

Therefore, it would have been obvious to a person skilled in the art at the time the invention was made to incorporate the teaching of Bertrand et al into the teaching of Jakoubek in order to enable mode switching (abstract).

Consider **Claim 10 and 22**, Jakoubek as modified by Bertrand clearly shows and discloses the system of claim 1 as well as the method of claim 13, further comprising a management station (read as switch policy controller 148) configured to communicate via a network to at least one of the radio components, the management station is further configured to monitor or control the at least one of the radio components (figure 1; paragraph 28).

Consider **Claims 11,12 and 20**, Jakoubek in view of Bertrand clearly shows and discloses the system of claim 10 as well as the method of claim 19, wherein the management station is further configured to provide the at least one of the radio components with an address for connections via the packetized switch, and wherein the management station is further configured to monitor a status of the at least some of the radio components.

4. Claims **5 and 18** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Jakoubek (Publication number: US 2004/0052372)** in view of **Bertrand et al (Patent number: 6,078,612)** and further in view of **Kitaj et al (Patent number: 5,995,628)**.

Consider **Claims 5 and 18**, Jakoubek in view of Bertrand clearly shows and discloses the system of claim 1, as well as the method of claim 13, wherein:

(a) A plurality of first ones of radio components each include a red processor portion (figure 1).

(b) A plurality of second one of the radio components (figure 1)

(c) At least one of the first ones of the radio components are connected to at least one of the second ones of the radio components via the switch (figure 1).

However, Jakoubek does not clearly show that the switch is a packetized switch.

In related art, Bertrand et al clearly show that the switch is a packetized switch (column 5, lines 1-15).

Therefore, it would have been obvious to a person skilled in the art at the time the invention was made to incorporate the teaching of Bertrand et al into the teaching of Jakoubek in order to enable mode switching (abstract).

However, Jakoubek in view of Bertrand do not specifically show that the second ones of radio components each include a crypto portion.

In related art, Kitaj et al show that the second ones of radio components each include a crypto portion (figure 2).

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Therefore, it would have been obvious to a person skilled in the art at the time the invention was made to incorporate the teaching of Kitaj et al into the teaching of Jakoubek and Bertrand et al in order to implement a security system (Kitaj et al, column1, lines 15-20).

5. Claims **2,7, and 14** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Jakoubek (Publication number: US 2004/0052372)** in view of **Bertrand et al (Patent number: 6,078,612)** and further in view of **Immonen et al (Patent number: 7,006,472)**.

Consider **Claims 2,7 and 14**, Jakoubek in view of Bertrand clearly shows and discloses the system of claim 1, as well as the method of claim 13, but fail to specifically show that the packetized switch includes one of an Ethernet switch, an Asynchronous Transfer Mode Switch, and an Internet Protocol router.

However, in related art, Immonen et al show that the packetized switch includes one of an Ethernet switch, an Asynchronous Transfer Mode Switch, and an Internet Protocol router (column 2, lines 51-59).

Therefore, it would have been obvious to a person skilled in the art at the time the invention was made to incorporate the teaching of Immonen et al into the teaching of Jakoubek and Bertrand et al in order to support differentiated services (Immonen et al, abstract).

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

(1) SECURE CRYPTOGRAPHIC LOGIC ARRANGEMENT (**Patent Number: 5,365,591**).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Faragalla whose telephone number is (571) 270-1107. The examiner can normally be reached on Mon-Fri 7:30 am-5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nick Corsaro can be reached on (571) 272-7876. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Michael Faragalla

12/24/2006

A handwritten signature in black ink, appearing to read "Nick Corsaro". The signature is written in a cursive, flowing style.

NICK CORSARO
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600